

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark S. ABAD *et al.*

Appln. No.: 09/696,664

Filed: October 25, 2000

For: Nucleic Acid Molecules and Other Molecules Associated with Plants

Confirmation No.: 5102

Art Unit: 1631

Examiner: Michael L. Born

Atty. Docket: 16517.316

Express Abandonment Under 37 C.F.R. § 1.138

Mail Stop Express Abandonment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

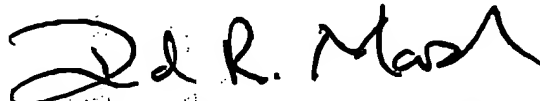
Sir:

Applicants request that U.S. Application Serial No. 09/696,664 be expressly abandoned under 37 C.F.R. § 1.138(a) upon entry of the Amendment filed January 6, 2006.

Applicants note that a continuation application based on the above-identified application was filed on January 12, 2006.

Should the Commissioner require additional information, he is invited to contact the undersigned at the number provided below. The undersigned is an attorney of record and therefore has authority to expressly abandon the above-captioned U.S. application.

Respectfully submitted,



David R. Marsh, Reg. No. 41,408
Arnold & Porter LLP
555 Twelfth Street, N.W.
Washington, DC 20004
Tel: 202-942-5000
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Filed: January 17, 2006

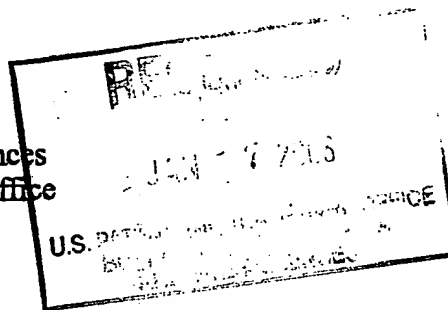
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I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.

January 17, 2006

ARNOLD & PORTER LLP**David R. Marsh, Ph.D.**
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Washington, DC 20004-1208

January 17, 2006

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450**VIA FACSIMILE**Appeal No. 2005-1165
Confirmation No. 5102

Re: U.S. Patent Application Serial No. 09/696,664 filed October 25, 2000
Inventors: Mark S. ABAD *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Atty. Dkt.: 16517.316 (38-21(51721)B/US)

Sir:

Transmitted herewith for appropriate action by the Board of Patent Appeals and Interferences is an Express Abandonment under 37 C.F.R. § 1.138(a).

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Appellants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docketing number 16517.316.

Sincerely,

David R. Marsh (Reg. No. 41,408)

Attachment

I hereby certify that this transmittal and the attached Express Abandonment under 37 C.F.R. § 1.138(a) are being facsimile transmitted to the BPAI (attention Dianne Maggard) via facsimile number 571-273-0299.

David R. Marsh (Reg. No. 41,408)January 17, 2006
Date

ARNOLD & PORTER LLP

202.942.5000
202.942.5999 Fax

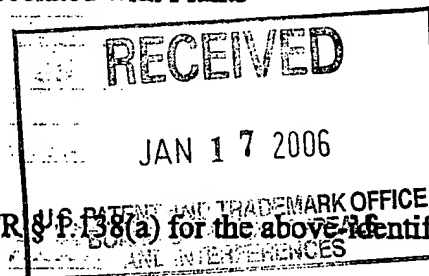
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Washington, DC 20004-1206

Fax Transmittal

January 17, 2006

RECIPIENT NAME(S)	RECIPIENT FAX NUMBER(S)	RECIPIENT TELEPHONE NUMBER(S)
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MESSAGE		

Re: Appeal No. 2005-1165; Conf. No. 5102
U.S. Patent Appln. Ser. No. 09/696,664 filed October 25, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Inventors: Mark S. ABAD *et al.*
Atty. Docket: 16517.316



Please see the attached Express Abandonment under 37 CFR § 1.38(a) for the above identified application.

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